

REMARKS

This application has been carefully reviewed in light of the Office Action dated March 14, 2006. Claims 9, 10, 13 to 16 and 24 to 28 are in the application, with Claims 11, 12 and 17 to 23 having been cancelled without prejudice or disclaimer of the subject matter contained therein. Claim 9 is the sole independent claim in the application. Reconsideration and further examination are respectfully requested.

As shown above, the subject matter of Claims 11 and 12 has been incorporated into amended Claim 9 and Claims 11 and 12 have been cancelled. Due to this amendment, Claims 17 to 23 are redundant and therefore have been cancelled.

Claims 9 to 13, 16, 19 and 26 to 28 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,775,470 (Zobebe '470) or U.S. Patent No. 5,945,094 (Martin); and Claims 14, 15, 17, 18 and 20 to 25 were rejected under 35 U.S.C. § 103(a) over Zobebe '470 or Martin in view of EP 1 270 021 (Zobebe '021). Applicants have reviewed the applied references and respectfully submit that the current claims are patentably distinguishable over the applied references for at least the following reasons.

Independent Claim 9 concerns an electric device for releasing active substances. The electric device includes a support body and an external plug stemming from the support body for connecting the electric device to a main supply. The electric device further includes a flat wick, a heater element situated close to the flat wick and a heat-formed container that includes a reservoir. The flat wick is arranged to convey an active substance by capillarity from the reservoir up to an area of the flat wick which protrudes out of the reservoir and which is located close to the heater element.

The reservoir has a noticeably triangular configuration and a flat extension with a depression housing a first arm of the flat wick, which is pressed between a surface of the flat extension and an impermeable strip. The impermeable strip is thermowelded to the heat-formed container. The flat wick also includes two divergent arms which extend from the first arm into the reservoir in a manner such that if the external plug is vertically oriented, a first one of the two divergent arms is substantially vertically oriented so as to guarantee contact with the active substance, and if the external plug is horizontally oriented, a second one of the two divergent arms is substantially vertically oriented so as to guarantee contact with the active substance. In this manner, the flat wick maintains contact with the active substance when the external plug is oriented either vertically or horizontally.

The applied references are not understood to disclose or suggest the foregoing features of the present invention. In particular, the applied references are not understood to disclose or suggest at least the features of a flat wick arranged to extend into a reservoir having a triangular configuration such that at least one of two divergent arms of the flat wick is in contact with an active substance in the reservoir when an external plug of the device is oriented either vertically or horizontally.

Zobe '470 is understood to concern a device for the diffusion of solutions. Figure 3 of Zobe '470 depicts the device as including a basically rectangular wick 3 extending into a circular chamber 7. As conceded in the Office Action, however, Zobe '470 is not understood to disclose using a different shaped wick in a reservoir having a triangular configuration. The Office Action contended that it would have been obvious to one of ordinary skill in the art to use a wick having any shape and a reservoir having a triangular shape in the device disclosed in Zobe '470 as long as the wick is positioned alongside the heating element. Even assuming that

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the use of wicks and reservoirs having different shapes would have been obvious to one of ordinary skill in the art, which Applicants do not concede, no motivation has been shown for one of ordinary skill in the art to use a flat wick and a reservoir having the configuration and arrangement claimed in Claim 9.

As set forth in Claim 9, the flat wick includes two divergent arms which extend into the reservoir, which has a triangular configuration, such that at least one of the two divergent arms is in contact with the active substance in the reservoir when the external plug (and hence the device) is in a vertical orientation and when the external plug is in a horizontal orientation. The device described in Zobebe '470 clearly would not satisfy these conditions. For example, if the device depicted in Figure 3 were rotated from its vertical position into a horizontal position, the wick 3 would not maintain contact with liquid in chamber 7 if chamber 7 were only partially filled with liquid. Zobebe '470 is not understood to discuss or even recognize this problem of maintaining contact with the liquid when the device is in either a horizontal position or a vertical position and therefore also is not understood to suggest the solution presented by the invention claimed in Claim 9.

Martin is understood to concern a plug-in dispenser for use with a liquid air freshener. As depicted in Figures 3 and 4 of Martin, an absorbent matrix 14 is used to wick liquid air freshener from an interior reservoir of cartridge 12. As with Zobebe '470, the Office Action conceded that Martin does not disclose using a different shaped wick in a reservoir having a triangular configuration. However, the Office Action again contended that it would have been obvious for one of ordinary skill in the art to use a wick having any shape and a reservoir having a triangular shape in the device disclosed in Martin as long as the wick is positioned alongside the heating element. Even if using wicks and reservoirs having different shapes was obvious to

one of ordinary skill in the art, which Applicants do not concede, no motivation has been shown for one of ordinary skill in the art to use a flat wick and a reservoir having the configuration and arrangement claimed in Claim 9.

As discussed above, the arrangement set forth in Claim 9 allows contact with an active substance to be maintained when the device is in both a horizontal position and in a vertical position. If the device depicted in Figures 3 and 4 of Martin were rotated from its vertical position to a horizontal position, the absorbent matrix would not maintain contact with the liquid air freshener if the interior reservoir was only partially filled. Martin is not understood to recognize or discuss the problem of maintaining contact with liquid air freshener when the device is in both a horizontal position and a vertical position and therefore is not understood to suggest the solution presented in Claim 9.

Zobebe '021, which was applied in the rejection of certain dependent claims, is not understood to disclose or suggest anything to remedy the foregoing deficiencies of Zobebe '470 and Martin. Specifically, Zobebe '021 is not understood to disclose or suggest at least the features of a flat wick arranged to extend into a reservoir having a triangular configuration such that at least one of two divergent arms of the flat wick is in contact with an active substance in the reservoir when an external plug of the device is oriented either vertically or horizontally.

To establish a *prima facie* of obviousness, some suggestion or motivation must be shown to combine or modify the cited references to teach or suggest all of the claim limitations. See MPEP 2142. Applicants submit that no suggestion or motivation has been identified to modify or combine the applied references in such a manner as to disclose or suggest all of the limitations of Claim 9. Therefore, Claim 9 is believed to be patentably distinguishable over the applied

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references. Reconsideration and withdrawal of the § 103(a) rejection of Claim 9 are respectfully requested.

The other claims remaining in the application are dependent from independent Claim 9 discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claim is deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing amendment and remarks, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicants' undersigned attorney may be reached at the address and telephone number shown below.

Respectfully submitted,

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